

BARSHAY SANDERS, PLLC
100 Garden City Plaza, Suite 500
Garden City, New York 11530
Tel: (516) 203-7600
Fax: (516) 706-5055
Email: ConsumerRights@BarshaySanders.com
Attorneys for Plaintiffs
Our File No.: 109862

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

<p>JAMES GOODWIN, MANDI L. DINIZIO, ROSARIO GIATTINO and STEPHANIE TESORIERO, Plaintiff, vs. NATIONWIDE CREDIT, INC., Defendant.</p>	<p>Docket No: COMPLAINT JURY TRIAL DEMANDED</p>
--	---

BARSHAY | SANDERS PLLC
100 GARDEN CITY PLAZA, SUITE 500
GARDEN CITY, NEW YORK 11530

JAMES GOODWIN, MANDI L. DINIZIO, ROSARIO GIATTINO and STEPHANIE TESORIERO (hereinafter referred to as "*Plaintiffs*"), by and through the undersigned counsel, complains, states and alleges against NATIONWIDE CREDIT, INC. (hereinafter referred to as "*Defendant*"), as follows:

INTRODUCTION

1. This action seeks to recover for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, ("FDCPA").

JURISDICTION AND VENUE

2. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

3. This Court has personal jurisdiction over Defendant because Defendant maintains its principal place of business in Pennsylvania.

4. Venue is proper under 28 U.S.C. §1391(b) because Defendant resides in this Judicial District and/or because a substantial part of the events or omissions giving rise to this claim occurred in this Judicial District.

5. At all relevant times, Defendant conducted business within the State of Pennsylvania.

PARTIES

6. Plaintiffs are individuals who are citizens of the State of New York.

7. Plaintiffs, "consumers" as defined by 15 U.S.C. § 1692a(3), are allegedly obligated to pay certain debts.

8. On information and belief, Defendant's principal place of business is located in Allentown, Pennsylvania.

9. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

10. Defendant is a person who uses an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, and is therefore a "debt collector" as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS

11. Plaintiffs' alleged debts were primarily for personal, family or household purposes and are therefore "debts" as defined by 15 U.S.C. § 1692a(5).

12. Sometime after the incurrence of the debts, but before the initiation of this action, Plaintiffs are alleged to have fallen behind on payments allegedly owed on the alleged debts.

13. At a time known only to Defendant, Plaintiffs' alleged debts were assigned or otherwise transferred to Defendant for collection.

14. In its efforts to collect the alleged debts, Defendant contacted Plaintiffs by written letters. (Exhibit 1.)

15. Defendant's letters to Plaintiffs are "communications" as defined by 15 U.S.C. § 1692a(2).

16. As set forth in the following Counts, Defendant's communications violated the FDCPA.

FIRST COUNT
Violation of 15 U.S.C. § 1692e
False or Misleading Representations as to All Plaintiffs

17. Plaintiffs repeat and reallege the foregoing paragraphs as if fully restated herein.
18. 15 U.S.C. § 1692e prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt.
19. While § 1692e specifically prohibits certain practices, the list is non-exhaustive, and does not preclude a claim of falsity or deception based on non-enumerated practice.
20. Collection notices are deceptive if they can be reasonably read to have two or more different meanings, one of which is inaccurate.
21. Debt collectors may not make false statements in their attempts to collect debts.
22. The question of whether a collection letter is deceptive is determined from the perspective of the “least sophisticated consumer.”
23. Defendant’s letters to Plaintiffs offer Plaintiffs a “settlement” of more than \$600 off the amount of the alleged debt.
24. Defendant’s letters to Plaintiffs state, “IRS requires certain amounts that are discharged as a result of the cancellation of debt to be reported on a Form 1099-C.”
25. The statement, “IRS requires certain amounts that are discharged as a result of the cancellation of debt to be reported on a Form 1099-C,” is not an accurate reflection of the law.
26. The statement, “IRS requires certain amounts that are discharged as a result of the cancellation of debt to be reported on a Form 1099-C,” is not an accurate reflection of the law as there are exceptions to this “requirement.”
27. The least sophisticated consumer would likely be deceived by Defendant’s letter.
28. The least sophisticated consumer would likely be deceived in a material way by Defendant’s letter.
29. Defendant has violated § 1692e by using a false, deceptive and misleading representation in its attempt to collect Plaintiffs’ alleged debt.

JURY DEMAND

30. Plaintiffs hereby demand a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- a. Statutory damages of \$1,000.00 in favor or Plaintiff GOODWIN against Defendant pursuant to 15 U.S.C. § 1692k; and
- b. Statutory damages of \$1,000.00 in favor or Plaintiff DINIZIO against Defendant pursuant to 15 U.S.C. § 1692k; and
- c. Statutory damages of \$1,000.00 in favor or Plaintiff GIATTINO against Defendant pursuant to 15 U.S.C. § 1692k; and
- d. Statutory damages of \$1,000.00 in favor or Plaintiff TESORIERO against Defendant pursuant to 15 U.S.C. § 1692k; and
- e. Plaintiffs' attorneys' fees pursuant to 15 U.S.C. § 1692k; and
- f. Plaintiffs' costs; all together with
- g. Such other relief that the Court determines is just and proper.

DATED: March 22, 2016

BARSHAY SANDERS, PLLC

By: _____
Melissa A. Pirillo, Esq.
BARSHAY SANDERS, PLLC
100 Garden City Plaza, Suite 500
Garden City, New York 11530
Tel: (516) 203-7600
Fax: (516) 706-5055
ConsumerRights@BarshaySanders.com
Attorneys for Plaintiffs
Our File No.: 109862

EXHIBIT 1



Nationwide Credit, Inc.

PO BOX 26314
LEHIGH VALLEY PA 18002-6314
Monday-Friday: 10:00 am to 7:00 pm EST 1-866-381-5530
myaccount.ncirm.com



Let Us Help You!

Nationwide Credit, Inc. sent you a letter, more than thirty (30) days ago, advising you that your past due account was placed with us for collection. The account balance as of the date of this letter is shown above.

We understand that the economic difficulties faced today are extremely stressful and we may be able to help lessen the stress of your debt obligation by offering you the opportunity to resolve this account now according to the following payment arrangements:

Payment No.	Payment Date	Payment Amount	Payment No.	Payment Date	Payment Amount
1	06/03/2015	\$986.12			
2	07/06/2015	\$986.12			
3	08/06/2015	\$986.13			

Pay by Mail: Payable to CHASE BANK USA, N.A. PO BOX 26314 LEHIGH VALLEY PA 18002-6314

Call us at 1-866-381-5530, if you are unable to pay according to the instructions above we can discuss other options.

IRS requires certain amounts that are discharged as a result of the cancellation of debt to be reported on a Form 1099-C. You will receive a copy of the Form 1099-C if one is required to be filed with the IRS.

Chase wants you to know that this debt settlement may affect your ability to open a new account or borrow money from Chase in the future. In most cases, Chase does not approve applications from customers who haven't paid the account balance back in full—even when an agreement is made for a partial payment to satisfy a debt.

We look forward to assisting you in resolving this account.

MAURICE RICO
Nationwide Credit, Inc.

This communication is an attempt to collect a debt by a debt collector or consumer collection agency and any information obtained will be used for that purpose. C11
052012/092514

*** Please See Reverse Side of This Letter for Important Consumer Information ***

Please Detach and Return this Stub in the Enclosed Envelope with your Check or Money Order - Make Sure the "Remit To" Address appears in the Window

PERSONAL AND CONFIDENTIAL
PO BOX 26316
LEHIGH VALLEY PA 18002-6315

01618

010/C11/258/06/21/2015

24-hour account access: <https://myaccount.ncirm.com>



55420-22A13**AUTO**MIXED AADC 750

James A Goodwin
3921 WICKS AVE
Seaford NY 11783-1438

ACCOUNT NUMBER	REMIT TO
NCI ID: 9208	
BALANCE DUE: \$14,791.87	
AMOUNT ENCLOSED:	

Change of address: Print New Address on Back

REMIT TO:



NATIONWIDE CREDIT, INC.
PO BOX 26314
LEHIGH VALLEY PA 18002-6314

1208 5

Nationwide Credit, Inc.



PO BOX 26314
 LEHIGH VALLEY PA 18002-6314
 Monday-Friday: 10:00 am to 7:00 pm EST 1-866-381-5530
myaccount.ncirm.com

Let Us Help You!

Nationwide Credit, Inc. sent you a letter, more than thirty (30) days ago, advising you that your past due account was placed with us for collection. The account balance as of the date of this letter is shown above.

We understand that the economic difficulties faced today are extremely stressful and we may be able to help lessen the stress of your debt obligation by offering you the opportunity to resolve this account now according to the following payment arrangements:

Payment No.	Payment Date	Payment Amount	Payment No.	Payment Date	Payment Amount
1	06/24/2015	\$1,232.65			
2	07/24/2015	\$1,232.65			
3	08/24/2015	\$1,232.66			

Pay by Mail: Payable to CHASE BANK USA, N.A. PO BOX 26314 LEHIGH VALLEY PA 18002-6314

Call us at 1-866-381-5530, if you are unable to pay according to the instructions above we can discuss other options.

IRS requires certain amounts that are discharged as a result of the cancellation of debt to be reported on a Form 1099-C. You will receive a copy of the Form 1099-C if one is required to be filed with the IRS.

Chase wants you to know that this debt settlement may affect your ability to open a new account or borrow money from Chase in the future. In most cases, Chase does not approve applications from customers who haven't paid the account balance back in full—even when an agreement is made for a partial payment to satisfy a debt.

We look forward to assisting you in resolving this account.

MAURICE RICO
 Nationwide Credit, Inc.

This communication is an attempt to collect a debt by a debt collector or consumer collection agency and any information obtained will be used for that purpose. C11
 052012/092514

*** Please See Reverse Side of This Letter for Important Consumer Information ***

Please Detach and Return this Stub in the Enclosed Envelope with your Check or Money Order - Make Sure the "Remit to" Address appears in the Window

PERSONAL AND CONFIDENTIAL
 PO BOX 26315
 LEHIGH VALLEY PA 18002-6315

01791

NCI ID:	9208
BALANCE DUE:	\$14,781.87
AMOUNT ENCLOSED:	

Change of address: Print New Address on Back

REMIT TO:



NATIONWIDE CREDIT, INC.
 PO BOX 26314
 LEHIGH VALLEY PA 18002-6314

55973-12A13***AUTO**MIXED AADC 750
 James A Goodwin
 3921 WICKS AVE
 Seaford NY 11783-1438

9208 5



PO BOX 26314
LEHIGH VALLEY PA 18002-6314
Monday-Friday: 10:00 am to 7:00 pm EST 1-866-381-5530
myaccount.ncirm.com



Let Us Help You!

Nationwide Credit, Inc. sent you a letter, more than thirty (30) days ago, advising you that your past due account was placed with us for collection. The account balance as of the date of this letter is shown above.

We understand that the economic difficulties faced today are extremely stressful and we may be able to help lessen the stress of your debt obligation by offering you the opportunity to resolve this account now according to the following payment arrangements:

Payment No.	Payment Date	Payment Amount	Payment No.	Payment Date	Payment Amount
1	07/21/2015	\$591.67			
2	08/21/2015	\$591.67			
3	09/21/2015	\$591.67			
4	10/21/2015	\$591.67			
5	11/23/2015	\$591.69			

Pay by Mail: Payable to CHASE BANK USA, N.A. PO BOX 26314 LEHIGH VALLEY PA 18002-6314

Call us at 1-866-381-5530, if you are unable to pay according to the instructions above we can discuss other options.

IRS requires certain amounts that are discharged as a result of the cancellation of debt to be reported on a Form 1099-C. You will receive a copy of the Form 1099-C if one is required to be filed with the IRS.

Chase wants you to know that this debt settlement may affect your ability to open a new account or borrow money from Chase in the future. In most cases, Chase does not approve applications from customers who haven't paid the account balance back in full—even when an agreement is made for a partial payment to satisfy a debt.

We look forward to assisting you in resolving this account.

MAURICE RICO

Nationwide Credit, Inc.

This communication is an attempt to collect a debt by a debt collector or consumer collection agency and any information obtained will be used for that purpose. C11
052012/092514

*** Please See Reverse Side of This Letter for Important Consumer Information ***

Please Detach and Return this Stub in the Enclosed Envelope with your Check or Money Order - Make Sure the "Remit to" Address appears in the Window

PERSONAL AND CONFIDENTIAL
PO BOX 26315
LEHIGH VALLEY PA 18002-6315

00259



ACCOUNT NUMBER	9208
NCI ID:	9208
BALANCE DUE	\$10791.87
AMOUNT ENCLOSED:	

Change of address: Print New Address on Back

REMIT TO:



NATIONWIDE CREDIT, INC.

PO BOX 26314

LEHIGH VALLEY PA 18002-6314

010/C11/859/07/07/2015

24-hour account access: <https://myaccount.ncirm.com>



56462-08A6**AUTO**MIXED AADC 760

Jamea A Goodwin

3921 WICKS AVE

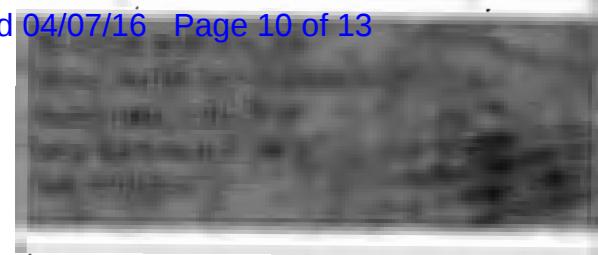
Seaford NY 11783-1438

9208 5

Nationwide Credit, Inc.



PO BOX 26314
LEHIGH VALLEY PA 18002-6314
Monday-Friday: 10:00 am to 7:00 pm EST 1-866-381-5530
myaccount.ncirm.com



Let Us Help You!

Nationwide Credit, Inc. sent you a letter, more than thirty (30) days ago, advising you that your past due account was placed with us for collection. The account balance as of the date of this letter is shown above.



We understand that the economic difficulties faced today are extremely stressful and we may be able to help lessen the stress of your debt obligation by offering you the opportunity to resolve this account now according to the following payment arrangements:

Payment No.	Payment Date	Payment Amount	Payment No.	Payment Date	Payment Amount
1	08/11/2015	\$295.83			
2	09/11/2015	\$295.83			
3	10/12/2015	\$295.83			
4	11/11/2015	\$295.83			
5	12/11/2015	\$295.83			
6	01/11/2016	\$295.83			
7	02/11/2016	\$295.83			
8	03/11/2016	\$295.83			
9	04/11/2016	\$295.83			
10	05/11/2016	\$295.90			

Pay by Mail: Payable to Nationwide Credit, Inc. PO BOX 26314 LEHIGH VALLEY PA 18002-6314

Call us at 1-866-381-5530, if you are unable to pay according to the instructions above we can discuss other options.

IRS requires certain amounts that are discharged as a result of the cancellation of debt to be reported on a Form 1099-C. You will receive a copy of the Form 1099-C if one is required to be filed with the IRS.

Chase wants you to know that this debt settlement may affect your ability to open a new account or borrow money from Chase in the future. In most cases, Chase does not approve applications from customers who haven't paid the account balance back in full—even when an agreement is made for a partial payment to satisfy a debt.

We look forward to assisting you in resolving this account.

MAURICE RICO
Nationwide Credit, Inc.

This communication is an attempt to collect a debt by a debt collector or consumer collection agency and any information obtained will be used for that purpose. C11
052012/092514

*** Please See Reverse Side of This Letter for Important Consumer Information ***

Please Detach and Return This Stub in the Enclosed Envelope with your Check or Money Order. Make Sure the "Remit to" Address appears in the Window

PERSONAL AND CONFIDENTIAL
PO BOX 26315
LEHIGH VALLEY PA 18002-6315

00301

NCI ID:	9208
BALANCE DUE:	\$14,741.87
AMOUNT ENCLOSED:	

Change of address: Print New Address on Back

010/C11/059/07/28/2015

24-hour account access: <https://myaccount.ncirm.com>

56482-29A5***AUTO**MIXED AADC 750

James A Goodwin
3921 WICKS AVE
Seaford NY 11783-1438

REMIT TO:

NATIONWIDE CREDIT, INC.
PO BOX 26314
LEHIGH VALLEY PA 18002-6314

9208 5

00B/C11/TER/10/05/2015

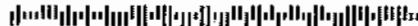
NCI ID:	5251
ACCOUNT BALANCE:	\$13,015.02
AMOUNT ENCLOSED:	

24-hour account access: <https://www.myaccount.ncirm.com>

o Change of address: Print New Address on Back



REMIT TO:



NATIONWIDE CREDIT, INC.

P.O. BOX 26314

LEHIGH VALLEY PA 18002-6314

57902-06B
Rosario Giattino
25 WAGNER DR
Coram NY 11727-3039

5251 9

** Please See Reverse Side of This Letter for Important Consumer Information **

Please Detach and Return this Stub in the Enclosed Envelope with your Check or Money Order - Make Sure the "Remit to" Address appears in the Window



Nationwide Credit, Inc.

PO BOX 26314
LEHIGH VALLEY PA 18002-6314
Monday - Friday 9 AM to 6 PM EST 1-877-658-8518



ACCREDITED
BUSINESS

Nationwide Credit, Inc. has a
Better Business Bureau Rating of A+

NCI ID: 15156135251

Current Creditor: CHASE BANK USA, N.A.

Account Number: XXXXXXXX7797

Account Balance: \$13,015.02

Settlement Offer: \$1,952.25

Date: 10/05/2015

Let Us Help You!

Dear ROSARIO GIATTINO

Nationwide Credit, Inc. sent you a letter, more than thirty (30) days ago, advising you that your past due account was placed with us for collection. The Account Balance as of the date of this letter is shown above.

We understand that the economic difficulties faced today are extremely stressful and we may be able to help lessen the stress of your debt obligation by offering you the opportunity to resolve this account now according to the following payment arrangements:

Payment No.	Payment Date	Payment Amount	Payment No.	Payment Date	Payment Amount
1	10/19/2015	\$216.91			
2	11/19/2015	\$216.91			
3	12/21/2015	\$216.91			
4	01/19/2016	\$216.91			
5	02/19/2016	\$216.91			
6	03/21/2016	\$216.91			
7	04/19/2016	\$216.91			
8	05/19/2016	\$216.91			
9	06/20/2016	\$216.97			

If you fail to make timely payment(s) in accordance with the payment schedule above, we are not obligated to renew this settlement offer.

Secure Online Portal: myaccount.ncirm.com is available 24 hours a day to schedule payments, negotiate alternatives, manage your account and more!

Login using your NCI ID: 15156135251 and
Password: Last four digits of your SSN

Pay by Mail: Send a check or money order to
Nationwide Credit, Inc. PO BOX 26314 LEHIGH VALLEY
PA18002-6314
Reference your NCI ID on your check or money order

Pay by Phone: Toll free 1-877-658-8518

IRS requires certain amounts that are discharged as a result of the cancellation of debt to be reported on a Form 1099-C. You will receive a copy of the Form 1099-C if one is required to be filed with the IRS.

Chase wants you to know that this debt settlement may affect your ability to open a new account or borrow money from Chase in the future. In most cases, Chase does not approve applications from customers who haven't paid the account balance back in full—even when an agreement is made for a partial payment to satisfy a debt.

MAURICE RICO
Nationwide Credit, Inc.

This communication is an attempt to collect a debt by a debt collector or consumer collection agency and any information obtained will be used for that purpose.

100% DEBT COLLECTOR	100% DEBT COLLECTOR
NCI ID#	0252
ACCOUNT BALANCE	\$1,114.48
AMOUNT ENCLOSED:	

040/C47/Z33/07/06/2015
24-hour account access: myaccount.ncirm.com

o Change of address: Print New Address on Back

REMIT TO:

NATIONWIDE CREDIT, INC.
PO BOX 26314
LEHIGH VALLEY PA 18002-6314

58462-07A

Stephanie Tesoriero
15 DOUGLAS LN
Manorville NY 11949-2060

*** Please See Reverse Side of This Letter for Important Consumer Information ***
Please Detach and Return this Stub in the Enclosed Envelope with your Check or Money Order - Make Sure the "Remit To" Address appears in the Window

Nationwide Credit, Inc.



PO BOX 26314
LEHIGH VALLEY PA 18002-6314
Monday-Friday 8:00 am-6:00 pm ET
1-866-505-9316
myaccount.ncirm.com

Current Creditor: Synchrony Bank-Amazon.com Store Card
Account Number: XXXXXXXXX3842
Account Balance: \$1,114.48
Date: 07/06/2015



myaccount.ncirm.com

- 24-hour Access
- Make or Reschedule Payments
- Change Your Contact Information
- Tell Us How You Would Like Us to Contact You
- And More...



ACCREDITED BUSINESS
BBB

Nationwide Credit, Inc. has a Better Business Bureau Rating of A+

Let Us Help You!

Your outstanding balance with the above referenced creditor is past due and has been referred to Nationwide Credit, Inc. for collection. The Account Balance as of the date of this letter is shown above. The following options are available to help you resolve this account:

Secure Online Portal: myaccount.ncirm.com is available 24 hours a day to schedule payments, negotiate alternatives, manage your account and more!

Login using your NCI ID: 15181120252 and Password: Last four digits of your SSN

Pay by Mail: Send a check or money order payable to Nationwide Credit, Inc. to:
PO BOX 26314 LEHIGH VALLEY PA 18002-6314
Reference your NCI ID on your check or money order

Pay by Phone: Toll free 1-866-505-9316

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of the debt, or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days after receiving this notice that the debt, or any portion thereof, is disputed, this office will obtain verification of the debt or obtain a copy of a judgment against you and mail you a copy of such judgment or verification. Upon your written request within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This demand for payment does not eliminate your right to dispute this debt or inquire for more information about this debt, as described in the previous paragraphs.

We look forward to assisting you in resolving this account.

MAURICE RICO
Nationwide Credit, Inc.

This communication is an attempt to collect a debt by a debt collector or consumer collection agency and any information obtained will be used for that purpose.

The State of New York Department of Financial Services requires NCI provide you with the following disclosure(s):

NEW YORK STATE: Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to:

- (1) the use or threat of violence;
- (2) the use of obscene or profane language; and
- (3) repeated phone calls made with the intent to annoy, abuse, or harass.

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt:

- 1. Supplemental security income, (SSI)
- 2. Social security;
- 3. Public assistance (welfare);
- 4. Spousal support, maintenance (alimony) or child support;
- 5. Unemployment benefits;
- 6. Disability benefits;
- 7. Workers' compensation benefits;
- 8. Public or private pensions;
- 9. Veterans' benefits;
- 10. Federal student loans, federal student grants, and federal work study funds; and
- 11. Ninety percent of your wages or salary earned in the

C47
052012/081214